

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 175 be amended to read as follows:

- 1 Page 9, between lines 35 and 36, begin a new paragraph and insert:
- 2 "SECTION 3. IC 20-4-57 IS ADDED TO THE INDIANA CODE
- 3 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 4 UPON PASSAGE]:
- 5 **Chapter 57. Annexation of a Township School Corporation**
- 6 **Sec. 1. As used in this chapter, "annexing corporation" refers to**
- 7 **a school corporation that has annexed all or part of any territory**
- 8 **of a township school.**
- 9 **Sec. 2. As used in this chapter, "department" refers to the**
- 10 **department of education.**
- 11 **Sec. 3. As used in this chapter, "township" refers to a township**
- 12 **where any part of a township school was located.**
- 13 **Sec. 4. As used in this chapter, "township school" refers to:**
- 14 **(1) a township school that loses territory to an annexing**
- 15 **corporation as a result of an annexation;**
- 16 **(2) the township school's successor; or**
- 17 **(3) the township.**
- 18 **Sec. 5. (a) An annexing corporation may file a petition of appeal**
- 19 **with the department of local government finance for emergency**
- 20 **financial relief.**
- 21 **(b) The annexing corporation shall serve the petition on the**
- 22 **following:**
- 23 **(1) The department.**
- 24 **(2) The township.**

1 (3) The township school.

2 (4) Any other annexing corporation that annexed the
3 township school on the same date.

4 (c) All annexing corporations are parties to the petition.

5 Sec. 6. If the department of local government finance receives
6 a petition of appeal under section 5 of this chapter, the department
7 of local government finance shall submit the petition to the school
8 property tax control board established under IC 6-1.1-19-4.1 for a
9 fact finding hearing.

10 Sec. 7. (a) If the department of local government finance
11 submits a petition to the school property tax control board under
12 section 5 of this chapter, the school property tax control board
13 shall hold a fact finding hearing.

14 (b) At a hearing described in subsection (a), the school property
15 tax control board shall determine the following:

16 (1) Whether the township school has made all payments
17 required by any statute, including the following:

18 (A) P.L.32-1999.

19 (B) IC 20-4-4-7 and IC 20-4-16-3.

20 (C) The resolution or plan of annexation of the township
21 school, including:

22 (i) any amendment to the resolution or plan;

23 (ii) any supporting or related documents; and

24 (iii) any agreement between the township school and an
25 annexing corporation relating to the winding up of
26 affairs of the township school.

27 (2) The amount, if any, by which the township school is in
28 arrears on any payment described in subdivision (1).

29 (3) Whether the township school has filed with the
30 department all reports concerning the affairs of the township
31 school, including all transfer tuition reports required for the
32 two (2) school years immediately preceding the date on which
33 the township school was annexed.

34 (c) In determining the amount of arrears under subsection
35 (b)(2), the school property tax control board shall consider all
36 amounts due to an annexing corporation, including the following:

37 (1) Any transfer tuition payments due to the annexing
38 corporation.

39 (2) All levies, excise tax distributions, and state distributions
40 received by the township school and due to the annexing
41 corporation, including levies and distributions received by the
42 township school after the date on which the township school
43 was annexed.

44 (3) All excessive levies that the township school agreed to
45 impose and pay to an annexing corporation but failed to
46 impose.

47 (d) If, in a hearing under this section, a school property tax

1 control board determines that a township school has:

2 (1) under subsection (b)(1), failed to make a required
3 payment; or

4 (2) under subsection (b)(3), failed to file a required report;
5 the department may act under section 8 of this chapter.

6 Sec. 8. (a) If a school property tax control board makes a
7 determination under section 7(d) of this chapter, the department:

8 (1) may prohibit a township from:

9 (A) acquiring real estate;

10 (B) making a lease or incurring any other contractual
11 obligation calling for an annual outlay by the township
12 exceeding ten thousand dollars (\$10,000);

13 (C) purchasing personal property for a consideration
14 greater than ten thousand dollars (\$10,000); and

15 (D) adopting or advertising a budget, tax levy, or tax rate
16 for any calendar year;

17 until the township school has made all required payments
18 under section 7(b)(1) of this chapter and filed all required
19 reports under section 7(b)(3) of this chapter; and

20 (2) shall certify to the treasurer of state the amount of arrears
21 determined under section 7(b)(3) of this chapter.

22 (b) Upon being notified of the amount of arrears certified under
23 subsection (a)(2), the treasurer of state shall make payments from
24 the funds of state to the extent, but not in excess, of any amounts
25 appropriated by the general assembly for distribution to the
26 township school, deducting the payments from any amount
27 distributed to the township school.

28 Sec. 9. The department may grant permission to a township
29 school or a township to impose an excess levy to satisfy its
30 obligations under this chapter."

31 Renumber all SECTIONS consecutively.

(Reference is to ESB 175 as printed February 15, 2002.)

Representative Smith M